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SUBJECT: JEHOVAH'S WITNESSES FIGHTING TO IMPORT LITERATURE UNDER
TAJIK LAW

REF: A) DUSHANBE 790 B) DUSHANBE 623

DUSHANBE 00001077 001.2 OF 002

¶1. (SBU) Summary: Jehovah's Witness Associate Counsel Gregory Olds expressed concern that that Customs officials' recent seizure of a shipment of his organization's religious literature represents a worrying shift in the Tajik government's attitude towards religious freedom and censorship. During his July 10 meeting with Ambassador and PolOff, Olds noted that whereas the Customs Service previously complied with well-publicized restrictions on the import of pornography and other objectionable material, there now appears to be a more nebulous, cumbersome and arbitrary system in place - demanding the affirmative approval of the Ministry of Culture that individual materials are suitable for dissemination in Tajikistan. Kiril Kulikov, a Russian lawyer for Jehovah's Witness handling the organization's legal action against the Tajik Customs Service, provided an overview of ongoing court proceedings in Dushanbe. End Summary

¶2. (SBU) Background: When a shipment of Jehovah's Witness religious literature arrived in Tajikistan April 17, customs officials determined that the organization did not have permission from the Department of Religious Affairs under the Ministry of Culture to import the materials and seized the shipment. (Reftel A). Samples went to the Ministry of Culture for "expert study" in order to verify their conformance with Tajik laws. This study - which the ministry has not released - allegedly found the materials to be illegal, and prompted the State Committee on National Security to request that the offending shipment be transported out of the country.

WORKING WITHIN THE SYSTEM

¶3. (SBU) Olds conveyed his organization's respect for the right of any sovereign nation to regulate the import of pornographic and other offensive materials. However, he also emphasized that a censorship campaign actively targeting Jehovah's Witness members and activities would not be met by meek acquiescence. Therefore, his organization is responding through both political and legal channels in Tajikistan.

¶4. (SBU) On the political front, Olds has come to Dushanbe from Jehovah's Witness headquarters in New York to raise awareness among diplomatic missions of the freedom of religion issues at stake, and to attempt to meet with high-level Tajik officials to resolve the issue. Sensing that the seized shipment may have

raised eyebrows in part due to its large size (approximately five tons), Olds noted that he was authorized to negotiate with Tajik authorities on the volume of literature and other materials imported by his organization. In addition, Olds expressed interest in meeting Muradullo Davlatov, Deputy Minister of Culture for Religious Affairs, because Davlatov's hostility towards Jehovah's Witness activities seems to be a primary source of the organization's present difficulties. However local representatives of Jehovah's Witness have unsuccessfully tried to meet with senior Ministry of Culture officials over the past month.

15. (SBU) Jehovah's Witness representatives have brought two legal actions against the Customs Service. However, initial results have been discouraging and both cases are currently under appeal. In the first case, the judge demanded that counsel for Jehovah's Witness produce the "expert report" of the Ministry of Culture that formed the basis of the State Committee on National Security's decision to order the removal of the shipment. However, on order of the State Committee on National Security, the Ministry of Culture refused to release the report. Without the report, the judge ruled that Jehovah's Witness could not prove its case, and the action was dismissed. In the second case, the judge ruled that the involvement of the State Committee on National Security made the issue a military matter, and that the action must therefore be dismissed and re-filed in military court.

16. (SBU) Despite the difficulties pursuing claims through official legal channels, both Olds and the Ambassador agreed that such steps are necessary and crucial, and may produce unexpected results. However, Ambassador also noted that the recent troubles experienced by Jehovah's Witnesses in Tajikistan (including allegations of physical assault by the authorities, in addition to the seizure of their literature, reftel A) are symptomatic of a broader trend of increased governmental control over all religious activity and many other aspects of life in Tajikistan since the November 2006 presidential election.

DUSHANBE 00001077 002.2 OF 002

17. (SBU) Comment: The Jehovah's Witnesses have a long struggle ahead, with a national government increasingly suspicious of outside organizations and the Ministry of Culture and State Committee on National Security looking for reasons to seize their literature, interrupt meetings (reftel B), and interrogate their members. Using the Tajik court system, however dysfunctional, to fight for their cause is an essential step to convincing local authorities to respect the freedom of religion guaranteed under the Tajik constitution. Post will continue to monitor the situation, and raise the issue with top-level government officials, emphasizing Tajikistan's legal obligations and international agreements for freedom of religion. End Comment.
JACOBSON